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3 **UNITED STATES DISTRICT COURT**
4 **SOUTHERN DISTRICT OF CALIFORNIA**

5 SECURITIES AND EXCHANGE
6 COMMISSION,

7 Plaintiff,

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9 v.
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LOUIS V. SCHOOLER and FIRST
FINANCIAL PLANNING
CORPORATION, dba Western
Financial Planning Corporation,

Defendants.

CASE NO. 3:12-cv-2164-GPC-JMA
ORDER:

**APPROVING RECEIVER'S
TWELFTH AND THIRTEENTH
INTERIM REPORTS**

[ECF No. 1103, 1148]

**APPROVING RECEIVER'S
RECOMMENDATIONS
REGARDING:**

**(1) LETTER OF INTENT TO
PURCHASE STEAD PROPERTY**

**(2) LETTERS OF INTENT TO
PURCHASE DAYTON 1, DAYTON
IV, FERNLEY I, LAS VEGAS 2,
AND STEAD PROPERTIES**

**(3) ENGAGEMENT OF REAL
ESTATE BROKERS FOR FIVE GP
PROPERTIES**

[ECF No. 1136, 1159, 1166]

**APPROVING RECEIVER'S
FURTHER RECOMMENDATIONS
REGARDING:**

**(1) OFFERS RECEIVED FOR THE
LAS VEGAS 1 PROPERTIES**

**(2) LETTERS OF INTENT TO
PURCHASE THE FERNLEY I,
WASHOE IV, AND WASHOE V
PROPERTIES**

[ECF No. 1144, 1145]

**GRANTING MOTION TO FILE
UNDER SEAL**

[ECF No. 1158]

1 Before the Court is Receiver Thomas C. Hebrank's (the "Receiver") Ex Parte
2 Application for Permission to File Under Seal. ECF No. 1158. Generally,
3 "compelling reasons" must exist to seal documents filed in support of a dispositive
4 motion. *See Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th
5 Cir. 2006). Where a court filing contains "business information that might harm a
6 litigant's competitive standing," the court may properly deny public access. *Nixon v.*
7 *Warner Commc'ns*, 435 U.S. 589, 598 (1978). The Receiver seeks to file under seal
8 his recommendation regarding letters of intent to purchase five properties. The
9 Court finds that the information the Receiver seeks to file under seal could
10 negatively affect the amount of other offers and therefore the ultimate price for the
11 property that can be obtained. Accordingly, the Court **GRANTS** the Receiver's ex
12 parte application for permission to file under seal.

13 Also before the Court are a number of recommendations made by the
14 Receiver concerning the disposition of properties under receivership. On July 29,
15 2015, the Receiver filed the Twelfth Interim Report. ECF No. 1103. On September
16 16, 2015, the Receiver filed under seal a recommendation concerning a letter of
17 intent to purchase the Stead property. ECF No. 1136. On October 23, 2015, the
18 Receiver filed a further recommendation regarding offers received for the Las
19 Vegas 1 properties. ECF No. 1144. On November 6, 2015, the Receiver filed a
20 further recommendation regarding letters of intent to purchase the Fernley I,
21 Washoe IV, and Washoe V properties. ECF No. 1145. On November 10, 2015, the
22 Receiver filed the Thirteen Interim Report. ECF No. 1148. On December 11, 2015,
23 the Receiver filed a recommendation regarding letters of intent to purchase the
24 Dayton I, Dayton IV, Las Vegas 2, and Stead properties. ECF No. 1159. On January
25 8, 2016, the Receiver filed a recommendation regarding the engagement of real
26 estate brokers for five GP properties. ECF No. 1166. Having reviewed the
27 Receiver's recommendations, the Court **APPROVES** and **ADOPTS** all of the
28 Receiver's recommendations, and **HEREBY ORDERS** that the Receiver shall

1 continue to preserve and protect the assets of the receivership estate as
2 recommended.

3 **IT IS SO ORDERED.**

4 DATED: January 14, 2016

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6 HON. GONZALO P. CURIEL
7 United States District Judge

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